

# Board of Adjustment



## *Minutes*

City Council Chambers, Lower Level  
November 9, 2010

### **Board Members Present:**

Garrett McCray, Chair  
Nicholas Labadie, Vice Chair  
Diane von Borstel  
Greg Hitchens  
Tyler Stradling

### **Staff Present:**

Gordon Sheffield  
Angelica Guevara  
Mia Lozano-Helland  
John Wesley

### **Board Members Absent:**

Cameron Jones - excused

### **Others Present:**

Jonathan Bjork  
John Giarrizzo  
Charlie Caldwell  
Karen Beacom  
Greg Davis  
John Deluca  
Wil Carson  
H. Fredricksen  
G. Mead

The study session began at 4:35 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 5:35 p.m., the following items were considered and recorded.

### **Study Session 4:35 p.m.**

- A. The study session began at 4:35 p.m.

The items scheduled for the Board's Public Hearing were discussed.

1. Mr. Declan Murphy, the applicant for case BA10-065, asked the Board for a 30-day continuance.

Chair McCray explained that the Board would accept his request and move the continuance of BA10-065 to the consent agenda, but would also allow any citizens present to voice their opinions regarding the case after the consent agenda was approved. A brief discussion related to the request and concerns from an adjacent property owner followed the approval of the consent agenda.

### **Public Hearing 5:30 p.m.**

- A. Consider Minutes from the October 12, 2010 Meeting A motion was made to approve the minutes by Boardmember Labadie and seconded by Boardmember von Borstel. Vote: Passed 4-0 (Stradling - abstain Jones - absent)
- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Hitchens and seconded by Boardmember von Borstel. Vote: Passed 4-0 (Stradling – abstain, Jones - absent)

**Board of Adjustment Meeting  
November 9, 2010**

**Case No.:** BA10-061

**Location:** 2600 to 3000 blocks of East Lehi Road (south side) and 3000 to 3300 blocks of East Thomas Road (south side)

**Subject:** Requesting a Special Use Permit (SUP) to allow the development of a Comprehensive Sign Plan in the R1-9-DMP-PAD and R1-15-DMP-PAD zoning districts. PLN2010-00297 **(Continued from October 12, 2010)**

**Decision:** Approved

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember von Borstel to approve case BA10-061 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions below.*
2. *All sign locations must comply with the standards established in the Zoning Ordinance.*
3. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*
4. *Deletion of references to banners, advertising flags and non-rigid signs in the Comprehensive Sign Plan.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 5-0 (Jones - absent)

**Findings:**

- 1.1 Residential subdivisions are permitted one wall mounted entry identification sign on each side of an entrance to the subdivision, not exceeding 12 square-feet in area. The applicant proposed an increase in the allowable area for a subdivision identification sign to 32 square-feet in area. The primary entry sign identified as Sign #1 will be located along Thomas Road. Two additional smaller scale entry signs are proposed at the two entrances off of Lehi Road. The entry signs on Lehi Road are identified as signs #2 and #3.
- 1.2 The applicant also requested on-site directional signs be allowed throughout the subdivision. These signs are no greater than 12 square-feet in area and 6-feet in height and may or may not be illuminated. The subdivision has private streets, which will be gated. These signs will only be visible from within the subdivision.
- 1.3 The Zoning Ordinance specifies criteria for temporary signs while a development is under construction. The applicant proposed increase to these standards. The increases were as follows:
  - a) An increase in the allowable size from 8 square-feet in area, 6-foot high to 32 square-feet, and 8-foot high for contractor signs.
  - b) No increase in the number of development signs.
  - c) An increase in the number of temporary subdivision signs to allow 2 per street frontage

## **Board of Adjustment Meeting November 9, 2010**

with a maximum number of 4 signs.

- d) An increase in the number of off-site subdivision directional signs from 2 to 10.
- e) An increase in the number of on and offsite subdivision weekend directional signs from 10 to 25

- 1.4** The applicant cited the limited level of arterial street frontage and the large size of the subdivision as unique physical condition that restrict normal sign visibility. The only arterial street frontage for this subdivision is along Thomas Road. The other two entrances are off of Lehi Road. They also noted the low traffic volumes on these roads due to the restricted access to the area. Lehi Crossings is located a considerable distance from major transportation routes in the city, which the applicant cited as a desirable living characteristic for the subdivision, it does make access and visibility to the subdivision more limited. In addition to the limited visibility and access issues, the applicant stated that the 283 acre site warrants on-site community way-finding, which is not a type of sign identified in the code. This subdivision will be gated with a private street system. The interior way-finding signs will not be visible from the public streets and therefore they are allowable.
- 1.5** The design of the entry monument signs are enhanced and utilizes the "Pioneering" theme of the Lehi Area with the image of mountains with covered wagons crossing the desert on their primary entry sign on Thomas Road.
- 1.6** Standard Sign Ordinance maximums are often not sufficient to address a development consisting of 283 acres, the size of the Lehi Crossings DMP. The applicant developed a subdivision sign package that addresses this unique development and its location, while maintaining a proportion and scale with the development. The sign package, including the recommended conditions of approval is compatible with and not detrimental to the surrounding development.

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**Board of Adjustment Meeting  
November 9, 2010**

**Case No.:** BA10-062

**Location:** 848 South Winthrop Circle

**Subject:** Requesting: 1) a Special Use Permit (SUP) for detached accessory living quarters; and 2) a Variance to allow detached accessory living quarters to encroach into the rear yard, both in the R1-15 Zoning District. (PLN2010-00304)

**Decision:** Approved

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember von Borstel to continue case BA10-062.

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *The expansion shall be built to match the existing accessory building in material, texture and color.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 5-0 (Jones - absent)

**Findings:**

- 1.1 This lot is 21,780 square feet in area and is a corner lot. The house is sited on the lot at an angle that limits the area available for construction without encroachment into the side or rear yards. The front yard is more than 60 feet from the intersection of the streets and the rear yard is more than 50 feet from the intersection of the east and west property lines.
- 1.2 The detached accessory building formerly used as game room was designed to be compatible with the house.
- 1.3 Neighboring houses are located at a significant distance from the rear property lines.
- 1.4 The house is sited on the lot at an angle that limits the area available for construction without encroachment into the current required side or rear yards.
- 1.5 The effective front and rear yards are significantly wider than the required 30 feet yard.

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**Board of Adjustment Meeting  
November 9, 2010**

**Case No.:** BA10-063

**Location:** 1100 block of South Hawes Road and the 8400 block of East Southern Avenue

**Subject:** Requesting a Special Use Permit to allow a Commercial Communication Tower to exceed the maximum height allowed in the C-1 zoning district. (PLN2010-00278)

**Decision:** Approved

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember von Borstel to approve case BA10-063 with the following conditions:

- 1. Compliance with the site plan submitted, except as modified by the following conditions below.*
- 2. The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds and bark cladding and texture to resemble the bark of a natural palm.*
- 3. All antennas, radio heads, and other equipment near the antennas shall be painted to match the color of the palm fronds.*
- 4. The commercial communication tower shall have a maximum height of seventy feet (70') at the top of the palm canopy (64' at the top of antennas).*
- 5. The antennas shall not exceed 96" in length, 11.8" in width, and 6" in depth.*
- 6. The antenna standoff assembly shall not extend more than 18" from the pole.*
- 7. The lease area and communication tower associated equipment including equipment mounted on the exterior of the shelter shall be screened by an 8' CMU wall designed to match the screen wall approved for the retail development.*
- 8. Provide (1) 35' foot tall and (1) 45' foot tall date palm tree to be provided as shown on plans.*
- 9. A minimum of a 24' wide drive aisle shall be maintained between the expanded landscape area containing the CCT and the curb adjacent to the frontage landscape yard.*
- 10. The operator of the monopalm shall respond and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
- 11. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 5-0 (Jones - absent)

**Findings:**

- 1.1** The Special Use Permit (SUP) allows the placement of a 64' monopalm CCT within a planned retail center. In 2006, a site plan was approved (Z06-017) to allow retail development, but the site currently remains vacant. The applicant is installing a stealth monopalm along with two real date palm trees in order to minimize the visual impact of the CCT on the surrounding single family and manufactured homes.

## **Board of Adjustment Meeting November 9, 2010**

- 1.2** The applicant contacted the residents and the Home Owner's Association of Crescent Run Mobile Home Park to discuss any concerns and also attended a community meeting. The applicant reported that they received some questions related to technology which were addressed at the meeting. The applicant also directly contacted the residents located closest to the CCT since they did not attend the community meeting. The adjacent residents provided the applicant with emails indicating they had no concerns provided there would be no noise or light pollution related to the facility. The applicant notified all property owners within 300 feet of the development and no comments or concerns were received.
- 1.3** The monopalm is 64-foot tall and is located at the rear of the parcel away from Southern Ave. It is 67'9" from Hawes Road in a landscape area located between parking spaces. The associated shelter for the equipment is located within a 15' x 30' equipment lease area and the monopalm is located within a 10' x 10' tower lease area. The location of the CCT and associated equipment will require the removal of two parking spaces in order to provide a larger landscape area.
- 1.4** The subject property is zoned C-1, and allows Commercial Communication Towers with the issuance of a Special Use Permit. Approval of the SUP required finding that the Commercial Communication Tower was compatible with and not detrimental to surrounding properties and was consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.
- 1.5** Based on the plans submitted, identified as site #PH10332E dated October 14, 2010, the Commercial Communication Tower will contain one array with three sectors, each with three antennas. The antennas will each measure 96" in length, 11.8" in width, and 6" in depth. The applicant indicated in the justification and compatibility statement that this site is necessary to address a gap in service in the vicinity of Hawes Rd. and Southern Ave. They have indicated there are a high percentage of residential properties within the .3 mile search ring that they are trying to cover making it that much more challenging to find a suitable location. They worked with several other property owners prior to deciding on this site. None of the other sites were able to meet their needs. The applicant also explored other locations on the site including placement adjacent to Southern Ave. Even though the Planning Division was supportive of the location adjacent to the street, the property owner was unwilling to allow the CCT that close to the street.
- 1.6** The Commercial Communication Tower Guidelines require a 64' setback adjacent to Hawes Rd. and 128' setback adjacent to residential. The communication tower is approximately 67'9" from Hawes Rd. and 53'5" from residential located to the east of the site and 67'1" to residential located to the north of the site. The applicant made several outreach efforts to inform the Crescent Run community of the request and did not receive any opposition from the residents.
- 1.7** The Commercial Communication Tower was subject to a Special Use Permit in the C-1 zoning district because it exceeded the maximum height allowed in the commercial district. The Commercial Communication Tower Guidelines adopted by the City Council May 19, 1997, provide suggested setbacks for the location of Commercial Communication Towers. This request did not meet the recommended setbacks from the adjacent residences. The general area they are trying to provide coverage in is unusual in that a high percentage of them are residential. In addition, the eastern portion of the search ring is affected by the 202 Freeway which is elevated. To the south, is an ADOT retention basin which has very limited level area. Even though the location failed to meet the suggested setbacks from residential and because staff did not receive any opposition to the request, staff is supported the request. In order to minimize the aesthetic impact of the faux palm, the

**Board of Adjustment Meeting  
November 9, 2010**

applicant provided two real date palms to help disguise the faux palm. Given the context of the site, the use of a stealth design, and the provision of two real date palms, the Commercial Communication Tower is compatible with and not detrimental to surrounding properties.

**Board of Adjustment Meeting  
November 9, 2010**

**Case No.:** BA10-064

**Location:** 1915 South Power Road

**Subject:** Requesting a modification of an existing Special Use Permit for a Comprehensive Sign Plan in the C-2 DMP zoning district. (PLN2010-00308)

**Decision:** Approved

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember von Borstel to approve case BA10-064 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *Compliance with all conditions of case BA10-053 except as modified by this request.*
3. *Compliance with all conditions of cases Z10-17, ZA10-24, and DR10-06.*
4. *Final monument sign shall reflect architectural characteristics of the major anchor tenant building design, and be reviewed and approved by Planning Division staff prior to the issuance of building permits*
5. *Pump toppers and point-of-sale signs shall not be permitted with the development.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 5-0 (Jones - absent)

**Findings:**

- 1.1 On August 10, 2010, the Board of Adjustment approved a modification to the Comprehensive Sign Plan for the attached signs for the Fry's Fuel Canopy and to replace the two existing detached multi-tenant signs, one along Power Road and one along Baseline Road.
- 1.2 The service facility is modifying the comprehensive sign plan to allow signs in excess of the allowances specified in the plan. Per section 11-19-6(E)2(c) of the Ordinance, Group C-O-I developments, displaying more than one detached sign per street frontage shall be permitted 50 percent of total aggregate sign area and sign height. No sign shall exceed 80 square feet in area or 12-feet in height. Based on this formula, the Baseline Road frontage allows an aggregate height of 44-feet in height and area of 443 square-feet. The existing signs utilize 30-feet in height and 144 square-feet of the area.
- 1.3 The applicant is installing an additional 8-foot high sign along Baseline Road adjacent to the driveway entrance for the fuel canopy. The sign is 36 square-feet in area. The additional sign area and height is within the parameters established by the Zoning Ordinance for group C-O-I developments.
- 1.4 The modifications to the comprehensive sign plan in conjunction with the conditions ensure that signs are be compatible with, and not detrimental to, surrounding properties.



**Board of Adjustment Meeting  
November 9, 2010**

**Case No.:** BA10-065

**Location:** 3520 East Brown Road

**Subject:** Requesting a Special Use Permit to allow a Commercial Communication Tower in the AG zoning district. (PLN2010-00322)

**Decision:** 30-day continuance to the December 14<sup>th</sup>, 2010 meeting

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember von Borstel to continue case BA10-065 to the December 14<sup>th</sup>, 2010 meeting.

**Vote:** Passed 5-0 (Jones - absent)

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**Board of Adjustment Meeting  
November 9, 2010**

**B. Other Business:**

None

Respectfully submitted,

Gordon Sheffield, AICP  
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2010/Nov.2010